

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7210 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

- =====
1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

-----  
FIROZABANU BADRUDDIN

KAMRUDDIN SAIYAD

Versus

COMMISSIONER OF POLICE  
-----

Appearance:

MS DR KACHHAVAH for Petitioner

V.B. GHARANIYA LD. AGP for Respondent No. 1, 2, 3  
-----

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 25/02/2000

ORAL JUDGEMENT

1. This special civil application is directed against the order of detention passed against the petitioner by the Police Commissioner, Vadodara City on 10th August, 1999. She is detained at Sabarmati Central Jail, Ahmedabad since the date of the order of detention.

No reply to the petition has been filed by any of the respondents. However, it is stated that representation was rejected and the detention order has already been confirmed by the Board.

2. The grounds of detention enclosed with the order of detention show that 4 cases were registered against the petitioner under Prohibition Act, during the period 1997 to 1999 and unauthorised liquor found from her possession, is 10 to 20 liters. Out of 4 cases, in three cases, trial is pending and one case was under investigation when the detention order was passed. The detaining authority has observed that the petitioner is engaged in anti-social activities and statements of three witnesses have also been recorded who have stated against the petitioner about his anti-social activities. The detaining authority has mentioned that the petitioner is a bootlegger and other alternatives under the Act were not sufficient to deter the petitioner from continuing her anti-social activities and it was necessary to detain the petitioner.

3. Having heard both the sides, I find from the grounds of detention that even if all the grounds as alleged against the petitioner are taken to be true on their face value, no case of breach of public order is made out, in view of several decisions of the Supreme Court in this regard. At the most it is a case of breach of law and order. The impugned detention order, therefore, cannot be sustained in the eye of law. The impugned detention order dtd. 10th August, 1999, passed by the Police Commissioner, Vadodara City, is hereby quashed and set aside. It is directed that the petitioner-detenu namely Firozabanu Badruddin Kamruddin Saiyad, detained in Sabarmati Jail, Ahmedabad shall be released forthwith, if not required under any other detention order or in any other criminal case. This Special Civil Application is allowed. Rule is made absolute.

\*\*\*\*\*

rafik